

# COMBINED DECLARATION AND POWER OF ATTORNEY FOR CONTINUATION-IN-PART APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below)  
OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE  
SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE INVENTION ENTITLED

CYSTEINE-DEPLETED MUTEINS OF BIOLOGICALLY ACTIVE PROTEINS

the specification of which

(check one) ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_;  
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION,  
INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE;

I ACKNOWLEDGE THE DUTY TO DISCLOSE INFORMATION WHICH IS MATERIAL TO THE EXAMINATION OF  
THIS APPLICATION IN ACCORDANCE WITH TITLE 37, CODE OF FEDERAL REGULATIONS, §1.56(a)  
which states: "A duty of candor and good faith toward the Patent and Trademark Office  
rests on the inventor, on each attorney or agent who prepares or prosecutes the appli-  
cation and on every other individual who is substantively involved in the preparation of  
prosecution of the application and who is associated with the inventor, with the assign-  
or with anyone to whom there is an obligation to assign the application. All such in-  
dividuals have a duty to disclose to the Office information they are aware of which is  
material to the examination of the application. Such information is material where  
there is a substantial likelihood that a reasonable examiner would consider it important  
in deciding whether to allow the application to issue as a patent. The duty  
is commensurate with the degree of involvement in the preparation or prosecution of the  
application.";

I hereby claim the benefit under Title 35, United States Code, §120 of any United States  
application(s) listed below and, insofar as the subject matter of each of the claims of  
this application is not disclosed in the prior United States application in the manner  
provided by the first paragraph of Title 35, United States Code §112, I acknowledge the  
duty to disclose material information as defined in Title 37, Code of Federal Regulation  
§1.56(a) set forth above which occurred between the filing date of the prior applicatio  
and the national or PCT international filing date of this application:

435,154	19 October 1982	Pending
(Application Serial No.)	(Filing Date)	(Status)
486,162	15 April 1983	(patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	Pending
		(Status)
		(patented, pending, abandoned)

As to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said earlier application, or in public use or on sale in the United States of America more than one year prior to said earlier application; that said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application; and that the earliest application(s) for patent or inventor's certificate on said invention filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such applications (if any) filed more than twelve months prior to the filing date of this application:

The priority of the earliest application(s) (if any) filed within a year prior to said pending prior application is hereby claimed under 35 U.S.C. §119;

As to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate issued in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application, and that the earliest application(s) for patent or inventor's certificate on said subject matter filed by me or my legal representatives or assigns in any country foreign to the United States of America is identified below, as well as all other such application(s) (if any) filed more than twelve months prior to the filing date of this application:

Australia - SN 20086/83 - Filed 12 Oct. 1983  
Belgium - SN 211,722 - Filed 18 Oct. 1983  
Canada - SN Unknown - Filed 12 Oct. 1983  
Denmark - SN 4813/83 - Filed 19 Oct. 1983  
EPO - SN 83.306221.9 - Filed 13 Oct. 1983  
Finland - SN 83/3681 - Filed 10 Oct. 1983  
France - SN 83/16543 - Filed 18 Oct. 1983  
Great Britain - SN 83/27490 - Filed 13 Oct. 1983  
Greece - SN 72,712 - Filed 17 Oct. 1983  
Indonesia - SN Unknown - Filed Unknown  
India - SN Unknown - Filed Unknown  
Israel - SN 69970 - Filed 14 Oct. 1983  
Ireland - SN 2380/83 - Filed 10 Oct. 1983  
Japan - SN 58/195931 - Filed 19 Oct. 1983  
South Korea - SN 83-4927 - Filed 18 Oct. 1983

Mexico-SN10,846 - Filed 19 Oct. 1983  
Norway-SN833,793-Filed 18 Oct. 1983  
Philippines-SN29,685-Filed 12 Oct.1983  
New Zealand-SN205,922-Filed 11 Oct.1983  
Portugal-SN77512- Filed 17 Oct. 1983  
South Africa-SN83/7789 -Filed  
19 Oct. 1983  
Spain-SN526,541 - Filed 18 Oct. 1983  
Switzerland-SN5667/83-8 - Filed  
18 Oct. 1983  
Taiwan-SN 72 13522-Filed 14 Oct. 1983  
Venezuela - SN Unknown - Filed  
Unknown

The priority of the earliest application(s) (if any) filed within a year prior to this application is hereby claimed under 35 U.S.C. §119;

I hereby appoint the following attorneys and agent(s) to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, prosecute and to transact all business in connection with international applications directed to said invention:

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Emeryville, CA 94608

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR <u>DAVID F. MARK</u>		SIGNATURE <u>David F. Mark</u>	DATE <u>12/19/83</u>
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FULL NAME OF THIRD JOINT INVENTOR, IF ANY <u>SHI-DA-YU LU</u>		SIGNATURE <u>Shi-Da Yu Lu</u>	DATE <u>12/19/83</u>
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